

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO. 858 OF 2007

IN

NOTICE OF MOTION NO. OF 2007

IN

BCCC L.C. SUIT NO. 42 OF 2007

Smt. Henriques G. & Ors. ... Appellants
(Orig. Plaintiffs)

Vs.

Brihanmumbai Municipal Corporation
& Ors. ... Respondents
(Orig. defendants)

Mr. R.K.Agarwal, Advocate, i/b. Mr. M.P.Vashi,
Advocate, for the appellants.

Ms. Geeta Joglekar, Advocate, for respondent No.1.

Mr. Vinay Hegde, Advocate, for Ms.Sangeeta Mule, for
respondent No.3.

CORAM: J.H.BHATIA, J.

DATE: 10th December, 2007.

P.C.

1. Heard learned Counsel for the parties.

2. This Appeal is preferred against the refusal to grant ad-interim relief of temporary injunction while the Notice of Motion is still pending and is not decided.

3. The learned Counsel for the Corporation makes a statement that the Corporation will not take any action for a period of four weeks from this date so that the Notice of Motion may itself be decided on its merits. In view of this statement made by the learned Counsel for the Corporation, Mr. Vashi, learned Counsel for the appellants seeks to withdraw the Appeal.

4. The Appeal stands disposed of as withdrawn. The learned trial Court shall hear the parties and dispose of the Notice of Motion on its merits.

5. The parties shall appear before the trial Court on 17th December, 2007.

(J . H . BHATIA, J .)